

USPTO Customer No. 25280

Case # 5407

RESPONSE*Claim Objections*

Claim 27 was objected to because of certain informalities, namely the repetition of the phrase "wherein the acid-containing solution." Claim 27 has been cancelled, thereby rendering this objection moot.

Rejection of Claims 1 – 46 under 35 USC 112, 1st Paragraph

Claims 1 – 46 are rejected under 35 USC 112, 1st paragraph, because the specification, while being enabling for a process of treating fabrics comprising polyamide and polyester fibers, does not reasonably provide enablement for treating fabrics of other fibers (for example, cotton staple fibers or wool). Claim 1 has been amended to clarify the intended scope of Applicants' disclosure, and Claims 25 – 46 have been cancelled. Applicants believe these amendments to be sufficient to overcome the rejection and request that it be withdrawn.

Rejection of Claim 31 under 35 USC 112, 2nd Paragraph

Claim 31 is rejected under 35 USC 112, 2nd paragraph, as being indefinite for failing to point out and distinctly claim the subject matter that Applicants regard as their invention. Claim 31 is not properly dependent on Claim 29, as Claim 29 does not have antecedent basis for "the sulfonic acid." Claim 31 has been cancelled, thereby rendering this objection moot.

Double Patenting Rejection

Claims 25, 26, 45, and 46 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-31 of co-

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pending Application No. 10/071,048. Although the conflicting claims are not identical, they are not patentably distinct from each other because the product-by-process claims as herein claimed have the same properties as specifically detailed in the '048 application since they were made by the same process. Claims 25, 26, 45, and 46 have been cancelled, thereby rendering this rejection moot.

Rejection of Claims 1, 2, 11-13, 20, 21, 25, 27, 28, 35, 40, 41, and 45 under 35 USC 102(b)

Claims 1, 2, 11-13, 20, 21, 25, 27, 28, 35, 40, 41, and 45 are rejected under 35 USC 102(b) as being anticipated by Hayashi et al. (US Patent 4,367,070).

Claims 25, 27, 28, 35, 40, 41, and 45 have been cancelled, thereby rendering their rejection moot. Claims 1, 20, and 21 have been amended to clarify the intended scope thereof. Specifically, Claim 1 now recites two additional limitations: (a) that the first elementary filaments have been mechanically separated (emphasis added) along their lengths from said second elementary filaments; and (b) that the first elementary filament is a polyester and the second elementary filament is a polyamide. Because Hayashi et al. do not teach the limitation of mechanical separation of the filaments (that is, because Hayashi et al. rely on chemical separation of the filaments), Applicants believe the reference to be insufficient in rejecting the present claims. Applicants respectfully request that the rejection be withdrawn.

Rejection of Claims 27, 29, 40, 41, 42, 43, and 45 under 35 USC 102(b)

Claims 27, 29, 40, 41, 42, 43, and 45 are rejected under 35 USC 102(b) as anticipated by Fukuda et al. (US Patent 3,516,239). The Claims have been cancelled, thereby rendering this rejection moot.

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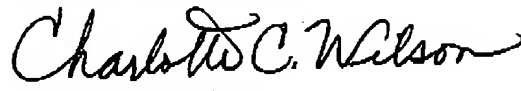
CONCLUSION

Having now amended the claims to clarify the intended scope thereof, Applicants believe they have overcome the rejections of the Office. Accordingly, Applicants respectfully submit that this case is in condition for allowance and courteously solicit the issuance of a Formal Notice of Allowance.

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Respectfully submitted,



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